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EXAMINER	
TRAN, DZUNG D	

ART UNIT	PAPER NUMBER
2633	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/941,170	DUMBLE ET AL.	
	Examiner	Art Unit	
	Dzung D. Tran	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a handset communication, an internet receiver" in new claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 15, the newly added limitation "wherein both the handset communication and the internet communication are voice communications" is not described in the specification.

In claim 16, the newly added limitation "wherein the handset communication is a voice communication and the internet communication is a data communications" is not described in the specification.

In claim 17, the newly added limitation "wherein the handset communication originates from an analog telephone" is not described in the specification.

In claim 18, the newly added limitation "wherein the internet communication originates from a Voice over internet protocol phone" is not described in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al. US patent no. 6,532,320.

Regarding claims 1 and 7, Kikuchi discloses a communication system (figure 1) comprising:

an optical transmission network having an input end (140-1, 150-1, 150-2, col. 6, lines 39, 49-50) and an output end (140-2, 150-3, 150-4, col. 7, line 2);

a wavelength division multiplexer (147, col. 6, lines 35, 42-43) coupled to said input end of said optical transmission network, said wavelength division multiplexer being configured to receive the internet-traffic sources 150-1, 150-2 and to modulate, in response to said data packets, see line 65 of col. 8 to line 13 of col. 9 and col. 12, lines 46-61, a corresponding plurality of optical beams, each of said optical beams having a selected wavelength from a first set of selected wavelength ($\lambda 5$, $\lambda 6$) (for example, line 65 of col. 8 to line 13 of col. 9 discloses "at least one of the input or output may be

another signal format (i.e., not in SONET format) such as ATM, Gigabit Ethernet ..."), wherein the wavelength division multiplexer is further configured to receive data packet from SONET interface140-1 are modulated to a corresponding optical beam from a second set of selected wavelengths ($\lambda 1$, $\lambda 2$, $\lambda 3$, $\lambda 4$); and

a wavelength division demultiplexer (148, col. 6, line 36) coupled to said output end of said optical transmission network, said wavelength division demultiplexer (148) being configured to select a particular optical beam from said plurality of optical beams and to retrieve data packets therefrom.

Regarding claims 2 and 8, Kikuchi further discloses a plurality of transponders (100, 120-1, 120-2) (e.g. wavelength translators) at the transmitting site, each of said transponders (100, 120-1, 120-2) being directly connected to an internet-traffic source from said first plurality of internet-traffic sources (150-1, 150-2) and configured to modulate an optical beam in response to data packets received from said internet-traffic source (figure 1, col.6, lines 30-60), said optical beam having a selected wavelength ($\lambda 5$, $\lambda 6$);

an optical coupler (145, col. 6, line 55) in communication with each of said wavelength translators and coupled to said input end of said optical transmission network.

Regarding claims 3 and 9, Kikuchi further discloses communication system further comprises: a plurality of wavelength translators (110, 130-1, 130-2), (e.g. wavelength translators) at the receiving site, each of said wavelength translators (110, 130-1, 130-2), being directly connected to an internet-traffic destination selected from a

plurality of internet-traffic destinations and being configured to provide data packets received from said demultiplexer (148) to said internet-traffic destination (col. 6, line 61 to col. 7, line 6).

Regarding claims 4, 5, 10 and 11, Kikuchi further discloses the information communication devices (140-1, 150-1, 150-2 at the transmitting site and 140-2, 150-3 150-4 at the receiving site) may comprise device such as SONET terminal device coupled to said input end of said optical transmission network (col. 8, lines 41-66, col. 12, lines 46-61).

Regarding claims 6 and 12, Kikuchi further discloses a data transmission at rates of OC-192 (i. e. 10 Gbit/s) or greater (col.8, line 62, col. Col. 10, lines 3-6).

Regarding claim 13, Kikuchi discloses a method for providing communication system (figure 1) comprising:

a wavelength division multiplexer (147, col. 6, lines 35, 42-43) coupled to said optical transmission network, wherein the wavelength division multiplexer is configured to receive data packet from SONET interface 140-1 and to modulate a receive data packet to a first optical beam from a first wavelengths ($\lambda 1$) and receive an internet-source 150-1 and to modulate internet- source to a second optical beam of a second wavelength ($\lambda 5$) (see line 65 of col. 8 to line 13 of col. 9 and col. 12, lines 46-61), (e.g., line 65 of col. 8 to line 13 of col. 9 discloses "at least one of the input or output may be another signal format (i.e., not in SONET format) such as ATM, Gigabit Ethernet ...");

a wavelength division demultiplexer (148, col. 6, line 36) wherein the wavelength division demultiplexer (148) being configured to select a first optical beam from a first

wavelengths (λ1) and provide it to a second SONET interface 140-2 and select a second optical beam from a second wavelengths (λ5) and provide it to a second internet interface 150-3.

Regarding claim 14, Kikuchi discloses in figure 1, for coupling the first SONET interface 140-1 to the multiplexer 147 and coupling the second SONET interface 140-2 to the de-multiplexer 148.

Regarding claim 19, Kikuchi discloses in figure 1, the multiplexer 147 and the de-multiplexer 148 are coupled by an optical fiber144.

Regarding claim 20, Kikuchi further discloses a data transmission at rates of OC-192 (i. e. 10 Gbit/s) or greater (col.8, line 62, col. Col. 10, lines 3-6).

Response to Arguments

6. Applicant's arguments filed on 11/16/2004 have been fully considered but they are not persuasive.

A Rejection of claims 1-12 under *USC § 102(b) as being anticipated over* Kikuchi et al. US patent no. 6,532,320.

Applicant argues that Kikuchi reference fails to teach or suggest "bifurcating the internet traffic and the SONET traffic" in claim 1. However Kikuchi clearly discloses in figure 1, a wavelength division multiplexer (147, col. 6, lines 35, 42-43) coupled to said input end of said optical transmission network, said wavelength division multiplexer being configured to receive the internet-traffic sources 150-1, 150-2

and to modulate, in response to said data packets, see line 65 of col. 8 to line 13 of col. 9 and col. 12, lines 46-61, a corresponding plurality of optical beams, each of said optical beams having a selected wavelength from a first set of selected wavelength (λ5, λ6) (for example, line 65 of col. 8 to line 13 of col. 9 discloses "at least one of the input or output may be another signal format such as ATM, Gigabit Ethernet ..."), wherein the wavelength division multiplexer is further configured to receive data packet from SONET interface140-1 are modulated to a corresponding optical beam from a second set of selected wavelengths (λ1, λ2, λ3, λ4).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran
05/05/2005

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